

AMENDED IN SENATE JULY 16, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1132**

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**Introduced by Assembly Member Jones**  
***(Coauthor: Assembly Member Blumenfield)***

February 27, 2009

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An act to amend Section 12811 of, and to add Section 4150.3 to, the Vehicle Code, relating to anatomical gifts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1132, as amended, Jones. Vehicle registration: organ and tissue donation.

Existing law, the Uniform Anatomical Gift Act, regulates the making of anatomical gifts and the disposition of donated bodies and body parts.

Existing law authorizes the creation of a nonprofit entity designated as the California Organ and Tissue Donor Registrar, which is required to establish and maintain the California Organ and Tissue Donor Registry.

Existing law requires the Department of Motor Vehicles, upon issuance of a new driver's license or a renewal of a driver's license or the issuance of an identification card, to provide information on organ and tissue donation, including a standardized form to be filled out by an individual who desires to enroll in the California Organ and Tissue Donor Registry with instructions for mailing the completed form to the

California Organ and Tissue Donor Registrar, and including a donor dot that may be affixed to the new driver's license or identification card. Existing law also provides that a person who applies for an original or renewal driver's license or identification card may designate a voluntary contribution of \$2 for the purpose of promoting and supporting organ and tissue donation. *Existing law authorizes the department to use these contributions to cover its actual administrative costs incurred pursuant to this organ and tissue donor registration program.*

*This bill would authorize the department to use not more than \$300,000 of the contributions collected under these mail in enrollment registration provisions to cover its related actual administrative costs.*

This bill would *also* require the department to add a graphic hyperlink to the confirmation page of vehicle registrations processed online in order to provide the option for drivers to connect to the state-authorized Donate Life California online California Organ and Tissue Donor Registry and would authorize a person, upon renewal of a vehicle registration online to designate a voluntary contribution ~~of \$2~~, as specified, to the registry for the purpose of promoting and supporting organ and tissue donation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4150.3 is added to the Vehicle Code, to  
2 read:  
3 4150.3. (a) The Department of Motor Vehicles shall add a  
4 graphic hyperlink to the confirmation page of vehicle registrations  
5 processed online, providing the option for drivers to connect to  
6 the state-authorized Donate Life California online California Organ  
7 and Tissue Donor Registry established pursuant to subdivision (a)  
8 of Section 7150.90 of the Health and Safety Code.  
9 (b) A person who renews his or her vehicle registration online  
10 may designate *via the hyperlink in subdivision (a)* a voluntary  
11 contribution ~~of two dollars (\$2)~~ for the purpose of promoting and  
12 supporting organ and tissue donation. This contribution shall be  
13 treated as a voluntary contribution to the California Organ and  
14 Tissue Donor Registry and not as a fee for the issuance of vehicle  
15 registration.

1 (c) Enrollment in the registry online shall constitute a legal  
2 document under the Uniform Anatomical Gift Act (Chapter 3.5  
3 (commencing with Section 7150) of Part 1 of Division 7 of the  
4 Health and Safety Code) and shall remain binding after the donor's  
5 death despite any express desires of next of kin opposed to the  
6 donation.

7 (d) Information obtained by the registrar for the purposes of  
8 this subdivision shall be used for these purposes only and shall not  
9 be disseminated further by the registrar.

10 (e) A public entity or employee shall not be liable for any loss,  
11 detriment, or injury resulting directly or indirectly from false or  
12 inaccurate information contained in the form provided pursuant  
13 to this section.

14 (f) This section does not apply to the registration of a  
15 commercial motor vehicle, as defined in subdivision (b) of Section  
16 15210.

17 SEC. 2. Section 12811 of the Vehicle Code is amended to read:

18 12811. (a) (1) (A) When the department determines that the  
19 applicant is lawfully entitled to a license, it shall issue to the person  
20 a driver's license as applied for. The license shall state the class  
21 of license for which the licensee has qualified and shall contain  
22 the distinguishing number assigned to the applicant, the date of  
23 expiration, the true full name, age, and mailing address of the  
24 licensee, a brief description and engraved picture or photograph  
25 of the licensee for the purpose of identification, and space for the  
26 signature of the licensee.

27 (B) Each license shall also contain a space for the endorsement  
28 of a record of each suspension or revocation thereof.

29 (C) The department shall use whatever process or processes, in  
30 the issuance of engraved or colored licenses, that prohibit, as near  
31 as possible, the ability to alter or reproduce the license, or prohibit  
32 the ability to superimpose a picture or photograph on the license  
33 without ready detection.

34 (2) In addition to the requirements of paragraph (1), a license  
35 issued to a person under 18 years of age shall display the words  
36 "provisional until age 18."

37 (b) (1) The front of an application for an original or renewal  
38 of a driver's license or identification card shall contain a space for  
39 an applicant to give his or her consent to be an organ and tissue  
40 donor upon death. An applicant who gives consent shall be directed

1 to read a statement on the back of the application that shall contain  
2 the following statement:

3 “If you marked on the front of the application that you want to  
4 be an organ and tissue donor upon death, your consent shall serve  
5 as a legally binding document as outlined under the California  
6 Uniform Anatomical Gift Act. Except in the case where the donor  
7 is under the age of 18, the donation does not require the consent  
8 of any other person. For donors under the age of 18, the legal  
9 guardian of the donor shall make the final decision regarding the  
10 donation. If you want to change your decision to consent in the  
11 future, or if you want to limit the donation to specific organs,  
12 tissues, or research, you must contact Donate Life California by  
13 mail at 1760 Creekside Oaks Drive, #220, Sacramento, CA 95833,  
14 or online at [www.donateLIFeCalifornia.org](http://www.donateLIFeCalifornia.org), or  
15 [www.doneVIDAcalifornia.org](http://www.doneVIDAcalifornia.org).”

16 (2) Notwithstanding any other law, a person under 18 years of  
17 age may register as a donor. However, the legal guardian of that  
18 person shall make the final decision regarding the donation.

19 (3) The department shall collect donor designation information  
20 on all applications for an original or renewal driver’s license or  
21 identification card.

22 (4) The department shall print the word “DONOR” or another  
23 appropriate designation on the face of a driver’s license or  
24 identification card to a person who registered as a donor on a form  
25 issued pursuant to this section.

26 (5) On a weekly basis, the department shall electronically  
27 transmit to Donate Life California, a nonprofit organization  
28 established and designated as the California Organ and Tissue  
29 Donor Registrar pursuant to Section 7150.90 of the Health and  
30 Safety Code, all of the following information on every applicant  
31 that has indicated his or her willingness to participate in the organ  
32 donation program:

33 (A) His or her true full name.

34 (B) His or her residence or mailing address.

35 (C) His or her date of birth.

36 (D) His or her California driver’s license number or  
37 identification card number.

38 (6) (A) A person who applies for an original or renewal driver’s  
39 license or identification card may designate a voluntary  
40 contribution of two dollars (\$2) for the purpose of promoting and

1 supporting organ and tissue donation. This contribution shall be  
2 collected by the department, and treated as a voluntary contribution  
3 to Donate Life California and not as a fee for the issuance of a  
4 driver's license or identification card.

5 (B) The department shall not use more than ~~5 percent~~ *three*  
6 *hundred thousand dollars (\$300,000)* of the donations collected  
7 pursuant to this paragraph to cover its actual administrative costs  
8 incurred pursuant to paragraphs (3) to (5), inclusive. The  
9 department shall deposit all revenue derived pursuant to this  
10 paragraph and remaining after the department's deduction for  
11 administrative costs in the Donate Life California Trust  
12 Subaccount, that is hereby created in the Motor Vehicle Account  
13 in the State Transportation Fund. Notwithstanding Section 13340  
14 of the Government Code, all revenue in this subaccount is  
15 continuously appropriated, without regard to fiscal years, to the  
16 Controller for allocation to Donate Life California and shall be  
17 expended for the purpose of increasing participation in organ  
18 donation programs.

19 (7) The enrollment form shall be posted on the Internet Web  
20 sites for the department and the California Health and Human  
21 Services Agency.

22 (8) The enrollment shall constitute a legal document pursuant  
23 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing  
24 with Section 7150) of Part 1 of Division 7 of the Health and Safety  
25 Code) and shall remain binding after the donor's death despite any  
26 express desires of next of kin opposed to the donation. Except as  
27 provided in paragraph (2) of subdivision (b), the donation does  
28 not require the consent of any other person.

29 (9) Donate Life California shall ensure that all additions and  
30 deletions to the California Organ and Tissue Donor Registry,  
31 established pursuant to Section 7150.90 of the Health and Safety  
32 Code, shall occur within 30 days of receipt.

33 (10) Information obtained by Donate Life California for the  
34 purposes of this subdivision shall be used for these purposes only  
35 and shall not be disseminated further by Donate Life California.

36 (c) A public entity or employee shall not be liable for loss,  
37 detriment, or injury resulting directly or indirectly from false or  
38 inaccurate information contained in the form provided pursuant  
39 to subdivision (b).

- 1 (d) A contract shall not be awarded to a nongovernmental entity
- 2 for the processing of driver's licenses, unless the contract conforms
- 3 to all applicable state contracting laws and all applicable procedures
- 4 set forth in the State Contracting Manual.

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